

REMARKS

**Concerning Office Action ('OA') Requirements:**

In the following pages, the applicant addresses each issue raised in the office action (hereinafter referred to as 'OA') in the order in which they are presented in the OA.

**OA- Page 2, Paragraph 3:**

The claims cited as previously having incorrect status identifiers have been corrected.

**OA- Page 2-3, Paragraph 4 & 5:**

The OA action requires the applicant to "cancel the claims, or amend the claim(s) in proper dependent form, or rewrite the claim(s) in independent form." Accordingly, the independent claims have been re-written in order to comply with the OA 37 CFR 1.75(c) requirement, all dependent claims have been corrected to further limit their scope relative to the independent claims to which they refer.

**OA – Page 3, RE 35 USC 112 Issues:**

In reference to all claims cited in the OA as not meeting the enablement requirement of 35 USC 112 (OA pages 3-9), each of the cited claims has been amended to now rely closely on specific enabling structure disclosed in the specification to be in compliance with the USC 112 enablement requirement.

More specifically, in response to the OA's requirement to "cancel the claim(s), or amend the claim(s)...or rewrite the claim(s) in independent form." (pg. 2 paragraph 4 of OA):

- a.) twenty claims have been 'Canceled', nine dependent claims are 'Newly added' and three independent claims are 'Newly added'.
- b.) sixty-three of sixty-five dependent claims have been amended (a majority of the sixty-three have been substantially amended), and
- c.) the previously presented three independent claims have been re-written (each now having a "Newly added" status identifier, and re-numbered 116, 125 and 126 respectively).

The 'Newly added' independent claims and the claims dependent thereto have been written so as to be in compliance with the 35 USC 112 enablement requirement.

**Narrowed Scope of All Independent Claims (RE OA paragraph 5, page 3):**

The scope of the independent claims has been narrowed, each no longer referring to a 'dual-commerce' invention. The 'dual-commerce' aspect of the invention is now referred to in the dependent form in dependent claims 53 and 119. This approach simplifies the claim references

1 made to transactions at / visitations to 'physical venues' versus online transactions. For example,  
2 scheduled "customer visitations" now only occur at a "expedited service area (ESA)" of one or  
3 more "computer-networked physical venues".  
4

5 **OA – Page 3-4, Paragraph 6 & 7:**  
6

7 Claims 61-66 have been significantly amended to clarify how the arrangement of workstations  
8 secures "inventory" and/or "replicating equipment" within an interior area. For example, the first  
9 clause of claim 61 now describes a securing of inventory accordingly: "...a plurality of customer  
10 workstations formed into a substantially contiguous annular arrangement of adjacent  
11 workstations whereby an interior area surrounded by said annular arrangement of adjacent  
12 workstations is made inaccessible to customers to securely store and protect an inventory of  
13 deliverables from customer theft...".  
14

15 The phrase "space-saving manner" in claim 61 and 66 has been deleted.  
16

17 Claim 64 describes how 'the robotic apparatus is activated and how it is positioned'.  
18

19 In claim 66, "entertainment-content replication equipment" is also isolated from customers in the  
20 manner described in claim 61 (employing the "substantially contiguous annular arrangement of  
21 adjacent workstations").  
22

23 **OA – Page 4-5, Paragraph 8:**  
24

25 Claim 82 has been amended to disclose how "said computer-networked physical venue" is  
26 equipped with an 'ESA' (expedited service area)—"scalable in size to accommodate up to a  
27 100% capacity flow rate of customers". For example, amended claim 82 now reads: "The system  
28 of claim 116 wherein at least one of said computer-networked physical venues has an ESA  
29 scalable in size to accommodate up to a 100% capacity flow rate of customers, and said ESA-  
30 related data further comprises scheduled ESA-customer traffic flow rate data pertaining to the  
31 scheduling of a flow rate of customers of up to a 100% capacity of said computer-networked  
32 physical venue, and said ESA-related data further comprises data pertaining to staffing personnel  
33 at said computer-networked physical venue in accordance with said customer traffic flow rate  
34 data."  
35

36 **OA – Page 5, Paragraph 9:**  
37

38 Claim 100 has been canceled and Newly added independent method claim 126 addresses the step  
39 of guaranteeing the availability of online purchases subsequently procurable from one or more  
40 ESAs. For example, in claim 126 "ESA-related data" is described as including data pertaining to  
41 "...ESA-procurable deliverables and availability of said deliverables at said ESAs..." and step 3  
42 of the same claim includes the step: "employing said browser apparatus for browsing and making

orders among online representations of ESA available deliverable(s)” (the browser apparatus is described earlier the same claim as having a communications link to the ESA-related data).

**OA – Page 5, Paragraph 10, RE claims 40-99:**

Independent claim claims 40 and 100 have been canceled and re-written as ‘Newly added’ claims 116 and 126 respectively. Claim 116 is a system claim and claim 126 is a method claim.

The OA in paragraph 10 page, 5 states, “The applicant identifies the invention as a system.” However, the specification has several references to the invention being both a system and a method, for example in the ‘Field of the Invention’ of the specification says, “This invention is related to the field of network-facilitated commerce systems, and in particular to a system and method for expediting commerce with internet browsing apparatus...”

The two (of three) independent claims 116 and 126 have been significantly abridged to simplify their context as is a system claim and a method claim respectively. All claims depending on the independent claims, including a majority of the dependent claims in the range of claims 41 through 99, have been significantly amended, including an omitting of method steps previously appearing in any system dependent claim.

**OA – Page 5, Paragraph 11:**

The term “browser device” has been removed from all claims and any subsequent usage of the term “browser apparatus” in a claim is made only when there is an antecedent basis.

**OA – Page 6, Paragraph 12:**

In response to the OA question “What are deliverables?”: the ‘Newly added’ independent claims now describe ‘deliverables’ in the following manner: “...wherein said deliverable(s) is selected from among one or more of the group consisting of products, goods, merchandise, services and activities...” and in another independent claim “...said deliverable(s) is selected from among one or more of the group consisting of products, goods, merchandise, services and activities, or any combination thereof.”

With the canceling of claims 40 and 100, the phrase cited at the end of paragraph 12 on page 6 of the OA, namely, “online-choices and available networked-venue-choices”, and has been removed.

**OA – Page 6, Paragraph 13:**

In the ‘Newly added’ base claim 116—to which dependent claim 47 now refers—“customer identification and order verification means” has been omitted.

**OA – Page 6, Paragraph 14:**

Claim 48 has been amended to disclose the ‘transmitting’ of “a scheduled-customer ESA visitation(s) itinerary” -- not limited to a ‘printed’ record (the claim no longer refers to a ‘printer’). The amended claim 48 now refers to the antecedent base claim ‘system’: “...further comprises software for sequencing, scheduling and then transmitting to said browser apparatus a scheduled ESA-customer visitation(s) itinerary...”

**OA – Page 6, Paragraph 15:**

The option for a customer to alternatively order and pay online for one or more deliverables and have it mailed or couriered to a specified location is now described in a ‘dual-commerce’ context in amended dependent claim 53 a Newly added claim 119, for example in claim 53: “...in a second online-commerce ordering mode at least one deliverable ordered and pre-paid for online is delivered to a location specified by the online customer in a fulfillment manner typical of a conventional electronic commerce business.

The phrase “facilitating the delivery of online order(s)...” has been omitted.

**OA – Page 7, Paragraph 16:**

‘Currently amended’ claim 58 no longer refers to ‘one computer’ at a ‘plurality of physical facilities’, it now reads (in part): “...further comprising: a plurality of browser apparatus each comprised of at least one computer, said plurality of browser apparatus located at a plurality of computer-networked physical-venue ESAs...” A clause of the independent claim 116 reads “...a community or multiplicity of computer-networked physical venues each having at least one expedited service area (ESA)...”. Claim 58 now discloses a plurality of browser apparatus at a plurality of venues.

**OA – Page 7, Paragraph 17:**

In reference to claims 61-69, the OA asks “How does a perimeter isolate and secure an inventory?” The securing of inventory issue has been addressed in amended claims as described in section “**OA – Page 3-4, Paragraph 6 & 7**” above.

In regards to claims 61-69 being directed to “the network” currently amended claim 61 (and claims dependent thereto) now reads (in part): “The system of claim 116 wherein at least one of said computer-*networked* physical venues comprises a plurality of customer workstations formed into a substantially contiguous annular arrangement of adjacent workstations...” and “...each of said workstations having an outward-facing side equipped with a user interface for interaction with a customer and a *networked* computer with at least one user input means, software and a display screen...”

**OA – Page 8, Paragraph 18**

The term “merchant” has been omitted from claim 64.

Claim 64 has been amended so that the user of a workstation is now clearly specified as a ‘customer’: “...whereby, said automated deliverables storage and retrieval system in response to user input made by a *customer* with a user control input device, and control signals from at least one computer networked to the workstation system, provide: (i) stocking, retrieval and restocking of deliverables; and (ii) automated conveyance of said deliverables to a location proximate to a *customer*-operated workstation.” (last paragraph of claim 64)

**OA – Page 8, Paragraph 19**

Claim 66 has been significantly amended and now discloses how its “downloadable medialess audio files” ‘deliverables’ are made available to customers (relying on independent claim 116): “A system for monitoring and expediting the procurement of pre-ordered *deliverables* at, and the traffic flow of pre-scheduled customer visitations within and among, networked expedited service areas, comprising: a community or multiplicity of computer-networked physical venues each having at least one expedited service area (ESA) *equipped for transacting deliverables...*”

Claim 66 now includes: “...at least one of said computer-networked physical venue(s) further equipped to accommodate ESA-customer visitations for the procurement of at least one *deliverable* from at least one of said computer workstations located within an ESA, wherein, said *deliverable(s)* is selected from among one or more of the group consisting of *downloadable medialess audio files*, products, goods, merchandise, services, activities, or any combination thereof;...”

**OA – Page 8, Paragraph 20**

Claims 67 and 68 have been significantly amended. The phrase “facilitating customer transaction” has been omitted from claim 67. In regards to “entertainment content having a meaning *relevant* to..”, the term “relevant” has been changed to ‘germane’ as in entertainment content/feedback—being both pertinent and fitting—to customer transactions and / or interactions with the system. Claim 67 now reads:

Claim 67. (Currently amended) The system of claim 66 wherein said networked computing means and software further comprises multimedia content playback means, multimedia-playback software routines and pre-recorded multimedia content responsive to customer input, provide multimedia feedback of said pre-recorded multimedia content to said customer during the customer’s interaction with said system, wherein, said pre-ordered multimedia content is selected from the group consisting of pre-recorded entertainment content having a meaning *germane* to customer transactions with said system, and pre-recorded entertainment content having a meaning *germane* to customer interaction with said system.

1 Claim 68 now describes means for synchronizing the pre-recorded multimedia content of claim  
2 67.

3  
4 **OA – Page 9, Paragraph 21**

5  
6 Claim 100 is canceled. The phrase cited in the OA pertaining to claim 81 “chronological table”  
7 now reads (in part): “...chronological table of scheduled and available ESA customer-events  
8 data.”

9  
10 **OA – Page 9, Paragraph 22**

11  
12 Claim 100 is canceled.

13  
14 **OA – Page 9, Paragraph 23**

15  
16 Claim 102 now reads: A method as recited in claim 126 further comprising the steps of  
17 scheduling and reserving of said order(s) according to *data pertaining to* at least one ~~current~~  
18 condition of a chronological table of scheduled and available ESA customer-events.

19  
20 The word ‘current’ has been omitted.

21  
22 **OA – Page 9, Paragraph 24**

23  
24 Claim 105 is canceled.

25  
26 In view of the new focus of the proposed independent claim amendments’ addressing the office  
27 action’s cited issues and incorporating ‘time-saving criteria’, the applicant suggests the following  
28 change to the title of the invention would now be more appropriate:

29  
30 **System and Method For Expediting Scheduled-Customer Visitations and**  
31 **Ordered-Deliverables Transactions Among a Network of Expedited Service Areas**

32  
33 Additionally, care has been taken to clarify in the claims specifically how the system provides  
34 ‘time-saving’ *scheduled-customer visitations among a network of ‘expedited service areas’*  
35 (ESAs). The inclusion of ESA time-saving data in Markush clauses of the ‘system’ and ‘method’  
36 claims, provides the implied energy-saving and ‘trip-linking’ environmental advantages referred  
37 to in “Appendix A” of the applicant’s last response—and addresses the office action’s question  
38 regarding ‘trip-linking’ (OA page 21, last sentence).

REGARDING  
35 USC 102 / 35 USC 103

The relied upon prior art DeLorme et al US 5,948,040 is concerned with an *existing* infrastructure of *already-mapped* physical buildings, facilities or physical structures, with an emphasis on a CD-ROM software system which largely works as a standalone system or in conjunction with some limited internet capabilities in order to coordinate travel arrangements to one or more places represented in the ‘existing world’ of unmodified structures mapped within their system.

While DeLorme et al provide means for getting a user from one conventional facility to another conventional facility, and can provide means for making the purchase of goods, products, services activities and the like from *conventional* facilities, their system is limited in scope in that they provide no means, online or non-online, for expediting the *service* a customer receives once they’re within such facilities. Simply put, the DeLorme system can ‘get you there’ (to one or more locations where transactions can occur) via their mapping system—but once your inside one or more of their mapped conventional facilities, you are subject to all of the delays associated with the typical transaction modes of conventional (not new, or not modified) facilities—the type that have been around for decades (if not for centuries).

Furthermore, it is important to note that DeLorme et al has not invented ‘the itinerary’ or the use of ‘GPS guidance means’ in conjunction with an itinerary. This art was well-established before the filing of the DeLorme et al patent. For example, Palm Pilots® and the like we’re incorporating itineraries long before the Delorme et al patent, including the option to incorporate GPS guidance means into the handheld devices which also had such schedulings or itineraries.

Moreover, the DeLorme et al system and other cited prior art provide no means for monitoring the traffic flow of customers within or among a facility or a plurality, multiplicity or network of such facilities. Consequently, the cited prior art is not equipped to sequence and schedule best-fit schedules or itineraries in response, or in view, of monitored traffic flow data either within or among a plurality of physical venues.

In contrast the Metcalf application infrastructure of new, or significantly modified facilities provides this significant improvement over the prior art. By does so by requiring the building of a heretofore, non-existing infrastructure comprising: “...a community or multiplicity of computer-networked physical venues each having at least one expedited service area (ESA) equipped for transacting deliverables, sized to accommodate a traffic flow of customer visitations and associated in proximity to at least one of said venues by being located within, adjacent to, or nearby, the venue(s)...”

For example, this new network of one or more ESAs at each among a multiplicity of computer-networked physical venues provides the means whereby numerous time-saving advantages can then be realized (see Markush clauses in attached claims 117 and 118)

1  
2 For ease of reference, the first of the Metcalf independent claims is included below to illustrate  
3 the disclosing of an entirely new infrastructure which makes possible the schedulings of time-  
4 saving excursions within and among a community of computer-networked physical venues (each  
5 having the networked ESAs):  
6

7 Claim 116. (Newly added) A system for monitoring and expediting the procurement of pre-  
8 ordered deliverables at, and the traffic flow of pre-scheduled customer visitations within and  
9 among, networked expedited service areas, comprising:

10 a community or multiplicity of computer-networked physical venues each having at least  
11 one expedited service area (ESA) equipped for transacting deliverables, sized to accommodate a  
12 traffic flow of customer visitations and associated in proximity to at least one of said venues by  
13 being located within, adjacent to, or nearby, the venue(s);

14 computer and software means equipped to communicate ESA-related data pertaining to  
15 ESA-customer visitations and the traffic flow of said visitations within and among said ESAs,  
16 ESA-procurable deliverables and availability of said deliverables at said ESAs, and ESA  
17 transactions, via a communications link with a large-scale computer network, to data storing and  
18 managing means;

19 said system further comprising networked computing means and software equipped to  
20 access said ESA-related data and responsive to user input from a browser apparatus to pre-  
21 schedule best-fit ESA-customer visitations for the procurement of at least one deliverable from at  
22 least one of said networked ESAs, wherein, said deliverable(s) is selected from among one or  
23 more of the group consisting of products, goods, merchandise, services and activities;

24 said browser apparatus equipped with a communications link for communicating with  
25 said large-scale computer network and said data storing and managing means, and equipped with  
26 software routines for browsing and transacting online orders from among online representations  
27 of said ESA-procurable deliverable(s); and,

28 said networked computing means and software further comprising software for storing,  
29 updating and querying said ESA-related data, for sequencing and scheduling said ESA-customer  
30 visitations and said traffic flow within and among said networked ESAs in response to at least  
31 some of said ESA-related data.”  
32



**Regarding: Diagram – Example of ‘Time-Saving’ Scheduled-Customer Visitations  
Among a Network of Expedited Service Areas (ESAs)**

To assist in gaining a quick overview of the invention’s time-saving scheduled-customer visitations among a network of expedited service areas (ESAs), a drawing / diagram is provided on the following page of this fax transmission (p. 5) which graphically depicts how a series of scheduled-customer visitations “A” through “E” are sequenced in accordance with scheduled time-ranges for each networked ‘venue’.

As disclosed in the specification and respective drawing figures, the invention comprises a network of venues each having at least one designated expedited service area which is sized to accommodate scheduled-customer visitations and associated by proximity to at least one of the venues—being located within, adjacent to, or near to, the venue(s). The system includes means to query the availability of (i) one or more deliverables made available at the networked venues (selected from one or more of the group consisting of products, goods, merchandise, services and activities) and (ii) scheduled and schedulable (available) customer visitations, and to thereby sequence, schedule and expedite scheduled-customer visitations and ordered-deliverables transactions among a network of expedited service areas (ESAs).

The ‘Diagram – Example’ on the last page herein, illustrates the following sequence:

**Scheduled Visitation ESA “A”:** the customer arrives at the first ‘Venue’ having ‘Products Deliverables’ (a shoe store) within the 10:15 – 10:45 am time-range and immediately has his identification and his order verified by electronic verification means via a communication link with the customer’s wireless handheld device (and does so when arriving later at each of the remaining ESAs: “B” and “D” through “F”). The customer immediately picks up his order for a size 12 pair of pre-ordered brown shoes (with no waiting in lines) and goes to...

**Scheduled Visitation ESA “B”:** the customer arrives at the second ‘Venue’ having ‘Products Deliverables’ (an entertainment content store) within the 10:20 – 10:45 am time-range and immediately picks up his order for the latest Diana Krall CD. Thereafter the customer leaves the entertainment content store and drives to his local mall.

**Unscheduled Customer Requested Break “C”:** Upon arriving at the mall at 10:45 am the customer requests a 30-minute itinerary ‘break’ (via his handheld browser) to browse through a book store, the system automatically accommodates his break request by querying chronological data pertaining to scheduled and schedulable (available) ESA-customer events and creating a next-best choice of time-saving schedules for the remaining ESA visitations “D” through “F”. After leaving the mall book store at 11:15 the customer goes to his newly...

**Scheduled Visitation ESA “D”:** and is immediately seated for an eye examination at a ‘Venue’ having ‘Services Deliverables’ which ends with a new prescription for a set of glasses.

**Scheduled Visitation ESA “E” and “F”:** Thereafter he goes to Venues having ‘Activities Deliverables.’ At 11:25 he meets a friend at a café in the mall where and is immediately seated to begin eating his scheduled lunch--a Caesar-Chicken salad, iced tea and glass of water with lemon (a scheduled meal also awaits his friend). Following lunch, the customer and friend arrive at the mall’s cinema at 12:00 pm, where pre-ordered refreshments await them. After picking up their refreshments, the two go into the theater to begin watching the movie they have pre-ordered.

The present system provides any in a variety of ‘time-saving’ scheduled-customer visitations *among* a network of: *new* ESA-incorporating venues, or *ESA-modified* venues. In contrast, the prior art concerned with scheduled-travel only gets travelers *to* conventional (unaltered) venues.